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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

IN RE: TFT-LCD (FLAT PANEL)  
ANTITRUST LITIGATION

Case No. MDL 3:07-md-1827 SI

**CLASS ACTION**

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**STIPULATION AND ~~PROPOSED~~  
ORDER MODIFYING SCHEDULE FOR  
SUBMISSION OF REBUTTAL AND SUR-  
REBUTTAL EXPERT REPORTS, CLOSE  
OF EXPERT DISCOVERY, AND  
BRIEFING ON DISPOSITIVE MOTIONS**

WHEREAS the Special Master's Order Re: Treatment of Plaintiffs' Reply Expert Reports entered July 5, 2011 (Doc. No. 3026) sets forth the schedule for the submission of rebuttal and sur-rebuttal expert reports and provides that: (1) Plaintiffs may submit by August 22, 2011 reply

1 expert reports that respond by way of rebuttal only to all arguments advanced by Defendants'  
2 opening reports; (2) Defendants may submit by September 2, 2011 sur-rebuttal expert reports that  
3 respond to any argument or modeling newly advanced for the first time by Plaintiffs in their reply  
4 reports; and, (3) If Plaintiffs' reply reports contain extensive new modeling and formulas,  
5 Defendants shall notify the Special Master and request an extension until September 6 to file their  
6 sur-rebuttal reports;

7 WHEREAS the Court's Order Re: Pretrial and Trial Schedule entered November 23, 2010  
8 (Doc. No. 2165) sets forth the following schedule for expert discovery and briefing on dispositive  
9 motions: (1) September 2, 2011 shall be the last day to file dispositive motions; (2) September 15,  
10 2011 shall be the close of expert discovery; (3) September 23, 2011 shall be the last day to file  
11 oppositions to dispositive motions; and (4) October 14, 2011 shall be the last day to file reply  
12 briefs in support of dispositive motions;

13 WHEREAS in the Direct Purchaser Class Actions by agreement of the parties the Toshiba  
14 Defendants served the expert report of Dr. Barry C. Harris, Ph.D., on July 28, 2011, six days after  
15 the previously established deadline for service of Defendants' expert reports; and granted Direct  
16 Purchaser Class Plaintiffs an additional six days on their reply, until August 25, 2011;

17 WHEREAS the parties agree that the Direct Purchaser Class Plaintiffs should not be  
18 prejudiced in preparing their expert reports;

19 WHEREAS the Direct Purchaser Class Plaintiffs and Defendants agree that good cause  
20 exists to modify the schedule for submission of rebuttal and sur-rebuttal expert reports, the close  
21 of expert discovery, and briefing on dispositive motions; and,

22 WHEREAS the proposed modifications do not affect the hearing date for dispositive  
23 motions;

24 THEREFORE, IT IS HEREBY STIPULATED between Co-Lead Counsel for the Direct  
25 Purchaser Class Plaintiffs and Counsel for the AUO and Toshiba Defendants, subject to the  
26 Court's approval, that the pretrial schedule be modified as follows:

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<b>Event</b>	<b>Prior Dates Applicable To Direct Purchaser Class Actions</b>	<b>New Dates Applicable To Direct Purchaser Class Actions</b>
Service of Plaintiffs' reply expert reports	August 19, 2011	August 29, 2011
Service of underlying data and code	August 19, 2011	August 29, 2011
Service of Defendants' sur-rebuttal expert reports		September 9, 2011
If Plaintiffs' reply reports contain extensive new modeling and formulas, Defendants may request an extension to file their sur-rebuttal reports until	September 6, 2011	September 13, 2011
Last day to file dispositive motions	September 2, 2011	September 9, 2011
If Defendants' require an extension to file their sur-rebuttal reports, last day to file dispositive motions	September 2, 2011	September 15, 2011
Close of expert discovery	September 15, 2011	September 22, 2011
Last day to file oppositions to dispositive motions	September 23, 2011	October 3, 2011
If Defendants' require an extension to file their sur-rebuttal reports, last day to file opposition to dispositive motions	September 23, 2011	October 6, 2011
Last day to file reply briefs in support of dispositive motions	October 14, 2011	October 24, 2011
If Defendants' require an extension to file their sur-rebuttal reports, last day to file replies in support of their dispositive motions.	October 14, 2011	October 27, 2011

The last day for hearing on dispositive motions shall remain November 16, 2011.

1 DATED: August 16, 2011

**PEARSON, SIMON, WARSHAW & PENNY, LLP**

2  
3 By: /s/ Bruce L. Simon

BRUCE L. SIMON

4 *Co-Lead Counsel for Direct Purchaser Plaintiffs*

5 DATED: August 16, 2011

**LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**

7  
8 By: /s/ Richard M. Heimann

RICHARD M. HEIMANN

9 *Co-Lead Counsel for Direct Purchaser Plaintiffs*

10 DATED: August 16, 2011

**NOSSAMAN LLP**

12 By: /s/ Carl L. Blumenstein

CARL L. BLUMENSTEIN

14 *Defense Liaison Counsel and Attorneys for AU  
Optronics Corporation and AU Optronics Corporation  
America*

16 DATED: August 16, 2011

**WHITE & CASE LLP**

18 By: /s/ Kristen J. McAhren

KRISTEN J. McAHREN

19 *Attorneys for Toshiba Corporation, Toshiba Mobile  
Display Co., Ltd., Toshiba America Electronic  
Components, Inc., and Toshiba America Information  
Systems, Inc.*

22 **Attestation:** The filer of this document attests that the concurrence of the other signatory  
23 thereto has been obtained.  
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**ORDER**

**IT IS SO ORDERED.**

DATED: August 19, 2011



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Susan Illston  
Judge, United States District Court

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